

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 APR 26 2005

Robert R. DiCicco
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

DERWIN THOMAS,

X

Petitioner,

X

vs.

X

No. 04-2231-B/V

JACK MORGAN,

X

Respondent.

X

X

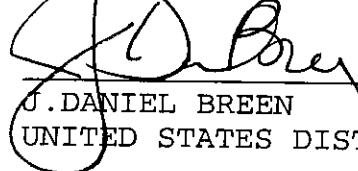
ORDER REITERATING DENIAL OF CERTIFICATE OF APPEALABILITY
AND
CERTIFICATION THAT IS APPEAL NOT TAKEN IN GOOD FAITH

On April 18, 2005, Petitioner, Derwin Thomas, Tennessee Department of Corrections (TDOC) inmate number 286493, an inmate at the Brushy Mountain State Penitentiary (BMSP), in Petros, Tennessee, filed a notice of appeal from this Court's order entered on April 4, 2005, which dismissed his petition under 28 U.S.C. § 2254, denied a certificate of appealability, and certified that any appeal would not be taken in good faith. Judgment was entered on April 6, 2005.

The notice of appeal contains a one sentence request for a certificate of appealability which raises no grounds justifying reconsideration of the previous denial of a certificate of appealability. The Court reiterates its previous holding denying

a certificate of appealability and certifying any appeal as not taken in good faith. Pursuant to Fed. R. App. P. 22(b) and 24(5), Thomas must make any further requests for a certificate of appealability to the Sixth Circuit Court of Appeals.

IT IS SO ORDERED this 26th day of April, 2005.


J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 2:04-CV-02231 was distributed by fax, mail, or direct printing on April 29, 2005 to the parties listed.

Derwin Thomas
Brushy Mountain State Penitentiary
286493
P.O. Box 1000
Petros, TN 37845--100

Honorable J. Breen
US DISTRICT COURT